

FINAL WATER SOFTENER ORDINANCE

CITY OF FILLMORE ORDINANCE # 04-777

ORDINANCE PROHIBITING BRINE DISCHARGING WATER SOFTENING APPLIANCES IN NON-RESIDENTIAL APPLICATIONS AND PROHIBITING THE INSTALLATION IN RESIDENTIAL APPLICATIONS

The City Council of the City of Fillmore ordains as follows:

1. AUTHORIZATION

This Ordinance is enacted pursuant to the authority contained in Health and safety Code 116786.

2. PURPOSE

The purpose of this Ordinance is to protect the quality of the waters of the State including, but not limited to, protecting the beneficial uses of the Santa Clara River downstream of the City of Fillmore Wastewater Treatment Plant.

3. DEFINITIONS

The following definitions shall apply to the terms used in this Ordinance:

- (a) "City" means the City of Fillmore, California. [12.04.020 (10)]
- (b) "Non-residential" means any structure which is not included in the definition of residence as defined in this ordinance.
- (c) "Non-residential brine discharging water softening appliance" means a water softening device located within or adjacent to a non-residential structure located within the City or which discharges into a community sewer system that is tributary to the sewer system owned and operated by the City, whereby the capacity of the appliance to remove hardness from water is renewed by the on-site application of a chloride salt-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.
- (d) "Person" means any natural person, or any firm, association, joint venture, joint stock company, partnership, trust, estate, governmental entity, organization, club, company, corporation, business trust, or the manager, lessee, agent, servant, officer or employee of any of them. [12.04.020 (49)]
- (e) "Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region, created and exercising its powers pursuant to the Porter-Cologne Water Quality Control Act, California Water Code Sections 13000 et seq.
- (f) "Residence" means a structure which is or is intended to be, in whole or in part, a place of dwelling, whether occupied or not, whether fully constructed or not, and includes, without limitation, homes, whether attached to another structure or not, apartments, condominiums and mobile homes.

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- (g) ‘Residential brine discharging water softening appliance’ means a water softening device located within or adjacent to a residence located within the City or which discharges into a community sewer system that is tributary to the sewer system owned and operated by the City, whereby the capacity of the appliance to remove hardness from water is renewed by the on-site application of a chloride salt-containing brine solution to the active softening or conditioning material contained therein, followed by a subsequent rinsing of the active softening or conditioning material.

4. **FINDINGS**

- (a) The state legislature has found and declared that pollution prevention should be the first step in a hierarchy for reducing pollution and managing wastes, and to achieve environmental stewardship for society.
- (b) The City is not in compliance with waste discharge requirements issued by the Regional Board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code.
- (c) Limiting the availability, or prohibiting the installation, of brine discharging water softening appliances is a necessary means of achieving compliance with waste discharge requirements issued by the Regional Board.
- (d) This ordinance adopts and the City will enforce regulatory requirements that prohibit the volumes and concentrations of saline discharges from non-residential sources in the community waste disposal system.

Findings 4 (b), (c) and (d) have been substantiated by an independent study of discharges from all sources of salinity, including, but not limited to, residential water softening or conditioning appliances, residential consumptive use, industrial and commercial discharges, and seawater or brackish water infiltration and inflow into the sewage collection system. This study has been made in accordance with the requirements of Section 116786(c) of the California Health and Safety Code. A copy of said study is on file at the City’s administrative office, 250 Central Avenue, Fillmore, CA 93015-1907.

5. **MEDICAL EXEMPTION**

The City Manager shall have the authority to allow medical exemptions and may permit individual residential brine discharging water softeners provided that all of the following conditions are met:

- a. The medical need for soft water is verified in writing by a physician.
- b. The resident has a financial hardship which in the opinion of the City Manager precludes using canister softener service.

The City Manager shall have the authority to rescind medical exclusions if the City is in violation of State chloride discharge limits and in the opinion of the City Manager it is essential that the medical exemption be terminated. Such termination shall become effective 60 days after written notice from the City to the subject resident. ***All decisions***

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by the City Manager regarding Section 5 of this Ordinance may be appealed to the City Council for reconsideration. Such appeals must be submitted in writing to the City Clerk within fourteen (14) days of the date of the City Manager's written decision.

6. PROHIBITION

- (a) Residential -- No person shall install or in any manner assist in the installation of a residential brine discharging water softening appliance that discharges into the community sewer system owned and operated by the City or that discharges into a private sewer or community sewer system that is tributary to the sewer system owned and operated by the City or that discharges to land within the City.
- (b) Non-Residential – All existing brine discharging water softeners in non-residential uses shall be removed within 120 days of the effective date of this ordinance. Hence forth no person shall install or in any manner assist in the installation of a brine discharging water softening appliance of any sort that discharges into the community sewer system owned and operated by the City or that discharges into a private sewer or community sewer system that is tributary to the sewer system owned and operated by the City or that discharges to land within the City.

7. VIOLATION

A violation of this Ordinance is a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment not to exceed thirty days or both.

8. ENFORCEMENT

The City Manager of the City shall administer, implement and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the City Manager may be delegated to persons acting in the beneficial interest of or in the employ of the City.

9. SEVERABILITY

If any provision of this Ordinance or the applicability thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid portion or application, and to that end the provisions of this Ordinance are severable.

10. EFFECTIVE DATE

This Ordinance shall become effective thirty days from the date of final passage and shall be prospective in nature.